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Fifty-sixth session
Third Committee
Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in parts of South-Eastern Europe

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the 1951 Convention relating to the Status of Refugees[3] and its Protocol,[4] the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[6] the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[7] the Guiding Principles on Internal Displacement,[8] accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949,[9] and, for participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2001/12 of 18 April 2001,[10] General Assembly resolution

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] Resolution 260 A (III).
[6] Resolution 47/135, annex.
[7] Resolution 36/55.
[8] E/CN.4/1998/53/Add.2, annex.
[9] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[10] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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55/113 of 4 December 2000, as well as all Security Council resolutions and statements,

Noting Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999, 1244 (1999) of 10 June 1999 and the general principles annexed thereto, 1345 (2001) of 21 March 2001, 1367 (2001) of 10 September 2001, all previous General Assembly resolutions on the subject, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at the fifty-fourth session of the Commission,[11] Commission on Human Rights resolutions 1998/79 of 22 April 1998,[12] 1999/2 of 13 April 1999,[13] and 2000/26 of 18 April 2000[14] and the report of the United Nations High Commissioner for Human Rights of 27 September 1999 on the situation of human rights in Kosovo,[15] and noting also the interim report of 11 October 2001 of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia,[16]

Underlining the obligation of all authorities in the Federal Republic of Yugoslavia and all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999, annexed to that resolution, and welcoming the joint document signed on 5 November 2001 by the United Nations Interim Administration Mission in Kosovo and the Federal Republic of Yugoslavia,

Expressing its full support for, and encouraging efforts towards, the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[17]

1. *Emphasizes* the need to ensure respect for all human rights and fundamental freedoms, and to do everything possible to further the process of reconciliation and regional cooperation;

2. *Welcomes* all efforts by countries of the region to overcome the effects of past conflicts, and also the efforts of the international community, which have helped the countries of the region to make great strides towards peace and stability;

3. *Also welcomes* moves by all parties in the region to establish and maintain a constructive dialogue with their neighbours, an essential element of regional stability, and urges them to continue these efforts;

4. *Notes* that varying degrees of progress have been made in the human rights situation in all States, but that further additional efforts are required in several areas;

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[11] Ibid., *1998*, Supplement No. 3 (E/1998/23), chap. III, sect. E, para. 28.
[12] Ibid., chap. II, sect. A.
[13] Ibid., *1999*, chap. II, sect. A.
[14] Ibid., *2000*, chap. II, sect. A.
[15] E/CN.4/2000/10.
[16] A/56/460.
[17] S/1995/999, annex.

5. *Taking note* of progress in the region, *encourages* further free, fair, inclusive and democratic elections throughout the region, as an important element of the rule of law and the promotion and protection of human rights;

6. *Urges* all parties to condemn ethnic violence and intolerance and to actively oppose, in a manner consistent with internationally recognized human rights standards, advocates or perpetrators of any form of violence as a means to secure peace and the protection of human rights and fundamental freedoms, and encourages parties to use dialogue to address their differences;

7. *Urges* all authorities in the region to cooperate fully with the International Tribunal for the Former Yugoslavia, and in particular to comply with their obligation to immediately arrest and transfer to the custody of the Tribunal all indicted persons, as well as to comply with requests by the Tribunal for access to information and witnesses;

8. *Emphasizes* the need to prevent and end violations of human rights, including cases of arbitrary detention, as well as the continued detention of political prisoners and cases of discrimination on the basis of ethnic origin, nationality, language or religion;

9. *Also emphasizes* the need for sustained progress on all issues which have an impact on the enjoyment of human rights, in particular, legal reform, impunity, protection of all persons belonging to minorities and the fight against organized crime and trafficking in persons;

10. *Stresses* the need for enhanced efforts to foster and effect the prompt and voluntary return and integration of displaced persons and refugees in safety and dignity;

11. *Underlines* the importance of consistent efforts to establish the fate of missing persons, and encourages all States and parties to provide information to organizations involved in this effort, including through the tracing mechanisms of the International Committee of the Red Cross, and to cooperate fully with organizations such as the International Committee and the International Commission on Missing Persons that are involved in this effort to determine the identities, whereabouts and fate of missing persons;

12. *Encourages* the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Organization for Security and Cooperation in Europe and the Council of Europe to enhance their cooperation in the region, including within the Stability Pact for South-Eastern Europe;

13. *Encourages* the international community to continue providing voluntary contributions to meet the pressing human rights and humanitarian needs of the region;

14. *Welcomes* the appointment of the Special Representative of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia;

15. *Calls upon* all authorities and all concerned parties to cooperate fully with the Special Representative in carrying out his work.

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Fifty-sixth session
Third Committee
Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Liechtenstein, Luxembourg, Monaco, Norway, Poland, Portugal, Romania, Republic of Korea, San Marino, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling its resolution 55/112 of 4 December 2000 and Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, inter alia, decided to nominate a special rapporteur with a given mandate, and taking note of Commission resolution 2001/15 of 18 April 2001,[4] in which the Commission

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling also the observation made by the former Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar,

Still gravely concerned about the human rights situation in Myanmar, especially the suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, and about restrictions placed on Aung San Suu Kyi and other members of the National League for Democracy, inter alia, on their freedom to function and to communicate with the outside world,

Gravely concerned that the legal system is effectively used as an instrument of oppression, inter alia, through the intimidation and detention of lawyers,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Welcoming the three visits to Myanmar by the Special Envoy of the Secretary-General during the past year, and the visits by the Special Rapporteur, as well as the high-level team of the International Labour Organization, and the cooperation extended to them by the Government of Myanmar,

Cautiously encouraged by signs of progress in the ongoing political process in Myanmar, as reported by the Special Rapporteur, especially the release of political prisoners and the relaxation of some of the constraints governing the operation of legal political parties, but still deeply concerned at the slow speed of the process,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report[5] as well as his oral presentation;

2. *Welcomes* the assistance extended to the Special Rapporteur by the Government of Myanmar during his exploratory visit in April 2001 and his first fact-finding mission in October 2001, which enabled him to establish direct contacts with the Government and all other relevant sectors of society, and calls upon the Government to continue to cooperate with the Special Rapporteur, to allow him to conduct further field missions, without preconditions, and to implement fully his recommendations;

3. *Also welcomes* the report of the Secretary-General[6] on the visits to the country of his Special Envoy for Myanmar, strongly endorses his efforts to help facilitate the national reconciliation process among all interested parties in Myanmar, and encourages the Government of Myanmar to establish a constructive and regular dialogue with the Secretary-General in order to make better use of his good offices;

4. *Deplores* the continued violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, forced labour, including the use of children, forced

[5] A/56/312.
[6] A/56/505.

relocation and denial of freedom of assembly, association, expression, religion and movement;

5. *Welcomes* the initiation of confidence-building contacts between the Government and Aung San Suu Kyi, General Secretary of the National League for Democracy, and hopes that such talks will be extended at an appropriate time to include, among others, representatives of ethnic minorities, thereby facilitating broad-based and inclusive national reconciliation and the restoration of democracy;

6. *Expresses its concern* over the slow progress in the talks between the Government of Myanmar and Aung San Suu Kyi, and urges that the increasing development and progress of the confidence-building measures ensure the irreversibility of the process towards democracy;

7. *Recognizes* the steps taken by the Government of Myanmar to allow some political functions to be resumed by the opposition, including the reopening of some branch offices of political parties and the cessation of the negative media campaign, but expresses deep concern at the unnecessary and discriminatory stringent restrictions that continue to hamper the exercise by political parties of freedom of assembly, association, expression, information and movement, as noted by the Special Rapporteur, as well as at the use by the Government of intimidatory methods such as arbitrary detention and abuse of the legal system, and calls for an early restoration of political rights and freedoms;

8. *Notes* the dissemination of human rights standards for public officials through a series of human rights workshops and encourages the Government of Myanmar to widen participation in these workshops to ensure that this information, and its practical implementation, can benefit all citizens of Myanmar;

9. *Also notes* the establishment by the Government of Myanmar of a national human rights committee and encourages it to bring this committee into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993 (the Paris Principles);

10. *Welcomes* the release from detention of a number of democratic political activists and strongly urges the Government of Myanmar to release all remaining detained political leaders and all political prisoners, including journalists, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

11. *Notes with satisfaction* the continued cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

12. *Welcomes* the reopening of most university courses, but remains concerned that enjoyment of the right to education continues to be limited, often for political reasons, by the reduction in the length of the academic year, the division of the student population and its dispersal to distant campuses and the inadequate allocation of resources;

13. *Strongly urges* the Government of Myanmar to take urgent and concrete measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to

extend the talks initiated with Aung San Suu Kyi, General Secretary of the National League for Democracy, to encompass a genuine and substantive dialogue with all the leaders of political parties and of ethnic minorities, with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and, in this context, notes the existence of the committee representing the People's Parliament;

14. *Recalls* the resolution adopted by the International Labour Conference at its eighty-eighth session, held from 30 May to 15 June 2000, recommending that international organizations reconsider any cooperation with Myanmar and that Governments, employers and workers take appropriate measures to ensure that the Government of Myanmar could not take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry established to examine the observance by Myanmar of International Labour Organization Convention No. 29 concerning forced or compulsory labour, of 1930;

15. *Welcomes* the recent visit to Myanmar undertaken by the high-level team of the International Labour Organization, with the objective of assessing the practical implications and impact of measures taken by the Government to eradicate the practice of forced labour and the cooperation that was extended to it by the Government of Myanmar;

16. *Takes note with regret* of the conclusion of the high-level team that there has been only moderately positive evolution in the situation, since there has been only uneven efforts at disseminating the orders, since the orders are not observed by the military at the local level and since, despite widespread instances of forced labour, there have been no criminal prosecutions, and notes that much more will have to be done to adequately address the situation, including movement towards national reconciliation;

17. *Strongly urges* the Government of Myanmar to implement, in close cooperation with the International Labour Organization, concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry, and, in this context, endorses the recommendations of the high-level team, including the establishment of a long-term representation of the International Labour Organization in Myanmar and the creation of an ombudsman;

18. *Deplores* the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel landmines, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, with negative effects for those countries, and an increasing number of internally displaced persons;

19. *Urges* the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

20. *Deplores* the continued violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, trafficking, sexual violence and exploitation, including rape;

21. *Strongly urges* the Government of Myanmar to implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women, and to carry out human rights education and gender-sensitization training, in particular for military personnel;

22. *Deplores* the recruitment of children as soldiers, in particular children belonging to ethnic minorities, and strongly urges the Government of Myanmar and all other parties to the hostilities in Myanmar to end the use of children as soldiers;

23. *Notes* that the Government of Myanmar is starting to address the growing incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) infection, while recognizing that much still needs to be done, particularly in the area of HIV/AIDS prevention, and urges the Government of Myanmar to fully recognize the severity of the situation and the need to take necessary action against the disease, in cooperation with all relevant political and ethnic groups, and through the development of the United Nations joint plan of action on HIV/AIDS, to be delivered through non-governmental organizations or international agencies with a view to reaching the communities most affected and most vulnerable to HIV/AIDS infection;

24. *Urges* the Government of Myanmar to promote and protect the human rights of people living with HIV/AIDS and guard against the marginalization and discrimination that they may experience and to ensure that the health-care system receives sufficient funding to enable health workers to provide the highest possible standard of health care;

25. *Expresses its grave concern* at the high rates of malnutrition among pre-school-aged children, which constitute serious violations of their rights to adequate food and the highest attainable standard of health and may have serious repercussions for the health and development of the affected children;

26. *Strongly urges* the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to restore the independence of the judiciary and due process and to end the impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

27. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-sixth session on the progress of those discussions, and to report to the Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-eight session on the progress made in the implementation of the present resolution;

28. *Decides* to continue its consideration of this question at its fifty-seventh session.

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Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States are required to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Discrimination against Women,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of the Child,[6] the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the first Additional Protocol thereto of 1977,[8] as well as the African Charter on Human and Peoples' Rights,[9]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 34/180, annex.
[5] Resolution 2106 A (XX), annex.
[6] Resolution 44/25, annex.
[7] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[8] Ibid., vol. 1125, No. 17512.
[9] Ibid., vol. 1520, No. 26363.

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Taking note of General Assembly resolution 55/117 of 4 December 2000, and of the previous resolutions of the General Assembly and the Commission on Human Rights on this subject, and of Security Council resolutions 1304 (2000) of 16 June 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001 and 1376 (2001) of 9 November 2001,

Recalling the Lusaka Ceasefire Agreement,[10] as well as the Kampala disengagement plan[11] and the Harare sub-plans for disengagement and redeployment,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as noted in the reports of the Special Rapporteur,[12] including acts of and incitement to ethnic hatred and violence,

Noting that the promotion and the protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Reiterating its support for the development of the inter-Congolese dialogue which, requiring the cooperation and full participation of all the Congolese parties, is an essential process for the future of the Democratic Republic of the Congo and of the entire region,

Acknowledging the need to expand the presence and full participation of women in the peace process,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation in that country is still preventing such a mission,

Encouraging the Government of the Democratic Republic of the Congo to give effect to its earlier commitment, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system, in accordance with the relevant international conventions, and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(a) The meeting between the Political Committee for the Lusaka Ceasefire Agreement[10] and the Security Council on 9 November 2001, and urges all parties to take the necessary measures to implement phase III of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo;

(b) The reports of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;[12]

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[10] S/1999/815, annex.

[11] See S/2000/330 and Corr.1, paras. 21 to 28.

[12] E/CN.4/2001/40/Add.1 and A/56/327.

(c) The visits made by the Special Rapporteur to the Democratic Republic of the Congo from 11 to 21 March 2001 and from 20 July to 1 August 2001 for the purpose of evaluating the existing situation in the country;

(d) The holding in Gaborone from 20 to 24 August 2001 of the preparatory meeting for the inter-Congolese dialogue and the signature by all the parties concerned of a declaration of commitment providing for the release of all prisoners of conscience, the free movement of goods and persons and the protection of the civilian populations;

(e) The effective release by the Government of the Democratic Republic of the Congo of several human rights defenders;

(f) Law No. 001 of 17 May 2001 on political parties and the promise of openness and tolerance which it offers, inviting the Government to continue on that path and to enforce the law fully for the benefit of all political tendencies in the Democratic Republic of the Congo;

(g) The action undertaken by the human rights field office in the Democratic Republic of the Congo, while encouraging the Government to collaborate and further strengthen its cooperation with the office;

(h) The statements by the President of the Democratic Republic of the Congo to the effect that child soldiers would in future no longer be recruited, as well as the commitment made by the Government of the Democratic Republic of the Congo to cooperate with the United Nations organs and non-governmental organizations in order to ensure the demobilization and reintegration of child soldiers, as well as the measures taken by the Government of the Democratic Republic of the Congo to that end, while urging other parties to the conflict to do the same;

(i) The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin and of prisoners of war;

(j) The continuing presence and wider deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement;

(k) The commitments made by President Kabila to improve the human rights situation, particularly those given when he attended the fifty-seventh session of the Commission on Human Rights, while encouraging him to give concrete effect to those commitments;

(l) The organization of a National Human Rights Conference, held in June 2001, while expressing the hope that its results will lead to an improvement of the situation of human rights in the Democratic Republic of the Congo;

(m) The consent of President Kabila to the Special Rapporteur's plan to undertake, within the framework of his mandate and in the coming months, an initial joint mission to investigate the massacres in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports, with a view to bringing to justice those responsible and reporting thereon to the General Assembly and the Commission on Human Rights;

2. *Expresses its concern* at:

(a) The resumption of fighting in the eastern part of the country and the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and internally displaced persons, particularly in the eastern part of the country;

(b) The missed opportunity of the inter-Congolese dialogue scheduled to be held in Addis Ababa on 15 October 2001;

(c) The situation of human rights in the Democratic Republic of the Congo, and particularly in the zones held by the armed rebels and under foreign occupation, and the persistent violations of human rights and of international humanitarian law, including the atrocities against the civilian populations, usually committed with complete impunity, while emphasizing in this regard that all the forces present in the territory of the Democratic Republic of the Congo should be held accountable for the violations of human rights in the territories under their control. It condemns in particular:

(i) All the massacres and atrocities still being committed throughout the territory of the Democratic Republic of the Congo and in particular in the zones held by the armed rebels and under foreign occupation, particularly Bugobe, Nyatende, Kamisimbi, Lurhala, Nyangesi, Biambwe, Nbingi, Bunyatenge, Kaghumo, Banyuke, and Kirima, Kalemié, Pweto, Rutshuru, Kibumba, Kimia Kimia, Dungo Mulunga and Kasese Bolanga;

(ii) The occurrences of cases of summary and arbitrary execution, disappearance, torture, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms;

(iii) The numerous instances of rape and sexual violence against women and children, including as a means of warfare;

(iv) The continuing recruitment and use of child soldiers by armed forces and groups, including the enlistment and kidnapping of children throughout the territory of the Democratic Republic of the Congo and particularly in North and South Kivu and in the eastern province;

(v) The sentencing to death and execution of civilians tried before the Military Court, in violation of the obligations assumed by the Democratic Republic of the Congo under the International Covenant on Civil and Political Rights,[2] as well as the prolonged and arbitrary detentions ordered by that Court;

(vi) The death sentences and summary executions by the *Rassemblement congolais pour la démocratie*/Goma;

(vii) The indiscriminate attacks against civilian populations, including against hospitals in the zones held by rebel forces and the zones held by foreign forces;

(d) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed and where

Uganda, which controls the zone de facto, is responsible for ensuring respect for human rights;

(e) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(f) The breaches of freedom of expression, opinion, association and assembly throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(g) The harassment and persecution of human rights defenders and other members of civil society;

(h) The acts of intimidation and persecution against representatives of the Churches, as well as the killings of those persons in the eastern part of the country;

(i) The severe insecurity, which seriously hampers the ability of humanitarian organizations to secure access to affected populations, particularly in the zones held by armed rebels and under the control of foreign forces, while condemning the killing of six humanitarian workers of the International Committee of the Red Cross on 26 April 2001 in the eastern part of the Democratic Republic of the Congo, for which those responsible must be brought to justice;

(j) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, demanding that such exploitation should cease and emphasizing that the natural resources of the country should not be used to finance the conflict there;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To permit the restoration without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo, in accordance with the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council;

(b) To implement fully the Lusaka Ceasefire Agreement, including the Kampala plan and the Harare sub-plans, according to the new timetable agreed by the parties at the meeting held on 21 and 22 February 2001 between the Political Committee for the Agreement and the Security Council;

(c) To cease all military and logistic support as well as all strategic collaboration with the armed groups, particularly those operating in the eastern part of the Democratic Republic of the Congo;

(d) To do everything possible to create the prerequisites for further meetings with a view to advancing the inter-Congolese dialogue, with emphasis on ensuring the full participation of women in this process;

(e) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the Additional Protocols thereto of 1977,[13] the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907,[14] the Convention on the Prevention and Punishment of the Crime of

[13] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[14] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

Genocide[15] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons, regardless of their origin;

(f) To ensure the safety and freedom of movement of United Nations and associated personnel and to ensure full, safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To cease all military activity in the Democratic Republic of the Congo which breaches the ceasefire provided for in the Ceasefire Agreement and the Kampala disengagement plan, including the Harare sub-plans, and the relevant resolutions of the Security Council, and urges all foreign forces to withdraw without delay from the territory of the Democratic Republic of the Congo;

(h) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of the international human rights standards, and to extend unreserved cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, to the United Nations Children's Fund, to the Special Representative of the Secretary-General for Children and Armed Conflict and to the humanitarian organizations in order to ensure the rapid demobilization of child soldiers, their return home and their rehabilitation;

(i) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and with dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(j) To authorize access, in complete freedom and security, to the zones which they control in order to permit investigations into violations of human rights and of international human rights law;

(k) To cooperate fully with the National Commission responsible for investigating allegations concerning the massacre of a large number of refugees and displaced persons in the Democratic Republic of the Congo, as well as with the Secretary-General and the United Nations High Commissioner for Human Rights, in considering the allegations in question, with a view to the submission to the Secretary-General, through the National Commission, of a further progress report on the investigations concerning this matter;

4. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures in order:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms, to fulfil its responsibility to protect the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and at its borders;

(b) To fulfil its commitment to reform and restore the judicial system and, in particular, its declared intention progressively to abolish the death penalty, as well

[15] Resolution 260 A (III).

as to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights;[2]

(c) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(d) To create, in accordance with its undertakings as stipulated in the Lusaka Ceasefire Agreement, and particularly the articles concerning the inter-Congolese dialogue, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully responds to the aspirations of all people in the country, and to complete the administrative procedures required to permit activities by political parties and prepare for the holding of democratic, free and transparent elections;

(e) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(f) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, particularly by strengthening cooperation with civil society, including all human rights organizations;

(g) To continue to facilitate and strengthen further its cooperation with the human rights field office in the Democratic Republic of the Congo;

(h) To cooperate fully with the International Criminal Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other violations of article 3 of both the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto[16] are brought to justice in accordance with international principles of due process;

(i) To continue to facilitate the creation of the necessary prerequisites for the deployment, in conditions of security, of the United Nations Organization Mission in the Democratic Republic of the Congo and to guarantee the safety and freedom of movement of its personnel and associated personnel;

5. *Decides*:

(a) To continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-seventh session, incorporating a gender perspective;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to undertake, if appropriate in cooperation with the National Commission responsible for investigating violations of human rights and breaches of international humanitarian law in the Democratic Republic of the Congo (ex-Zaire) between 1996 and 1997, a joint mission to investigate all the massacres perpetrated in the territory of the Democratic Republic of the Congo, particularly the massacres committed in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports on the situation of

[16] United Nations, *Treaty Series*, vol. 1125, No. 17513.

human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report on this matter to the General Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-eighth session;

(c) To request the Secretary-General to give the Special Rapporteur and the joint mission all necessary assistance to enable them fully to discharge their mandate;

(d) To request the High Commissioner to provide the technical skills needed by the joint mission in order to discharge its mandate;

(e) To request the international community to extend support to the human rights field office in the Democratic Republic of the Congo, particularly in order:

(i) To expand its participation in technical cooperation programmes, advisory services and activities to increase awareness of human rights, particularly by supporting the efforts made by the Government of the Democratic Republic of the Congo to strengthen the judicial system;

(ii) To increase its support to non-governmental organizations defending human rights in the Democratic Republic of the Congo, to continue and develop cooperation with them and to facilitate the activities of the joint mission, particularly through financial support.

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Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States are required to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Discrimination against Women,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of the Child,[6] the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the first Additional Protocol thereto of 1977,[8] as well as the African Charter on Human and Peoples' Rights,[9]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 34/180, annex.
[5] Resolution 2106 A (XX), annex.
[6] Resolution 44/25, annex.
[7] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[8] Ibid., vol. 1125, No. 17512.
[9] Ibid., vol. 1520, No. 26363.

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Taking note of General Assembly resolution 55/117 of 4 December 2000, and of the previous resolutions of the General Assembly and the Commission on Human Rights on this subject, and of Security Council resolutions 1304 (2000) of 16 June 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001 and 1376 (2001) of 9 November 2001,

Recalling the Lusaka Ceasefire Agreement,[10] as well as the Kampala disengagement plan[11] and the Harare sub-plans for disengagement and redeployment and welcoming the decision of the Security Council to authorize the start-up of phase III of the United Nations Mission in the Democratic Republic of the Congo,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as noted in the reports of the Special Rapporteur,[12] including acts of and incitement to ethnic hatred and violence,

Noting that the promotion and the protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Reiterating its support for the continuation of the inter-Congolese dialogue which, requiring the cooperation and full participation of all the Congolese parties, is an essential process for the future of the Democratic Republic of the Congo and of the entire region,

Acknowledging the need to expand the presence and full participation of women in the peace process,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation in that country is still preventing such a mission,

Encouraging the Government of the Democratic Republic of the Congo to give effect to its earlier commitment, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system, in accordance with the relevant international conventions, and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(a) The meeting between the Political Committee for the Lusaka Ceasefire Agreement[10] and the Security Council on 9 November 2001, and urges all parties to take the necessary measures to implement phase III of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo;

(b) The reports of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;[12]

[10] S/1999/815, annex.

[11] See S/2000/330 and Corr.1, paras. 21 to 28.

[12] E/CN.4/2001/40/Add.1 and A/56/327.

(c) The visits made by the Special Rapporteur to the Democratic Republic of the Congo from 11 to 21 March 2001 and from 20 July to 1 August 2001 for the purpose of evaluating the existing situation in the country;

(d) The holding in Gaborone, Botswana, from 20 to 24 August 2001 of the preparatory meeting for the inter-Congolese dialogue and the signature by all the parties concerned of a declaration of commitment providing for the release of all prisoners of conscience, the free movement of goods and persons and the protection of the civilian populations;

(e) The effective release by the Government of the Democratic Republic of the Congo of several human rights defenders;

(f) Law No. 001 of 17 May 2001 on political parties and the promise of openness and tolerance which it offers, inviting the Government to continue on that path and to enforce the law fully for the benefit of all political tendencies in the Democratic Republic of the Congo;

(g) The action undertaken by the human rights field office in the Democratic Republic of the Congo, while encouraging the Government to collaborate and further strengthen its cooperation with the office;

(h) The statements by the President of the Democratic Republic of the Congo to the effect that child soldiers would in future no longer be recruited and, in that context, the ratification by the Democratic Republic of the Congo of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts,[13] as well as the commitment made by the Government of the Democratic Republic of the Congo to cooperate with the United Nations organs and non-governmental organizations in order to ensure the demobilization and reintegration of child soldiers, as well as the measures taken by the Government of the Democratic Republic of the Congo to that end, while urging other parties to the conflict to do the same;

(i) The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin and of prisoners of war;

(j) The continuing presence and wider deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement;

(k) The commitments made by President Kabila to improve the human rights situation, particularly those given when he attended the fifty-seventh session of the Commission on Human Rights, while encouraging him to give concrete effect to those commitments;

(l) The organization of a National Human Rights Conference, held in June 2001, while expressing the hope that its results will lead to an improvement of the situation of human rights in the Democratic Republic of the Congo;

(m) The consent of President Kabila to the Special Rapporteur's plan to undertake, within the framework of his mandate and in the coming months, an initial

[13] Resolution 54/263, annex I.

joint mission to investigate the massacres in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports, with a view to bringing to justice those responsible and reporting thereon to the General Assembly and the Commission on Human Rights, and the agreement given by the rebel groups to that mission of investigation;

2. *Expresses its concern* at:

(a) The resumption of fighting in the eastern part of the country and the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and internally displaced persons, particularly in the eastern part of the country;

(b) The missed opportunity for the implementation of the inter-Congolese dialogue at the meeting which was held for this purpose in Addis Ababa on 15 October 2001, while welcoming the scheduled resumption of the process in South Africa;

(c) The situation of human rights in the Democratic Republic of the Congo, and particularly in the zones held by the rebel groups and under foreign occupation, and the persistent violations of human rights and of international humanitarian law, including the atrocities against the civilian populations, usually committed with complete impunity, while emphasizing in this regard that the occupying forces should be held accountable for the violations of human rights in the territories under their control. It condemns in particular:

(i) All the massacres and atrocities still being committed throughout the territory of the Democratic Republic of the Congo and in particular in the zones held by the armed rebels and under foreign occupation, particularly Bugobe, Nyatende, Kamisimbi, Lurhala, Nyangesi, Biambwe, Nbingi, Bunyatenge, Kaghumo, Banyuke, and Kirima, Kalemié, Pweto, Rutshuru, Kibumba, Kimia Kimia, Dungo Mulunga and Kasese Bolanga;

(ii) The occurrences of cases of summary and arbitrary execution, disappearance, torture, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms;

(iii) The numerous instances of rape and sexual violence against women and children, including as a means of warfare;

(iv) The continuing recruitment and use of child soldiers by armed forces and groups, including the enlistment and kidnapping of children throughout the territory of the Democratic Republic of the Congo and particularly in North and South Kivu and in the eastern province;

(v) The sentencing to death of civilians tried before the Military Court, in violation of the obligations assumed by the Democratic Republic of the Congo under the International Covenant on Civil and Political Rights,[2] as well as the prolonged and arbitrary detentions ordered by that Court;

(vi) The death sentences and summary executions by the *Rassemblement congolais pour la démocratie*/Goma;

(vii) The indiscriminate attacks against civilian populations, including against hospitals in the zones held by rebel forces and the zones held by foreign forces;

(d) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed and where Uganda, which controls the zone de facto, is responsible for ensuring respect for human rights;

(e) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

(f) The breaches of freedom of expression, opinion, association and assembly throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(g) The harassment and persecution of human rights defenders and other members of civil society;

(h) The acts of intimidation and persecution against representatives of the Churches, as well as the killings of those persons in the eastern part of the country;

(i) The severe insecurity, which seriously hampers the ability of humanitarian organizations to secure access to affected populations, particularly in the zones held by armed rebels and under the control of foreign forces, while condemning the killing of six humanitarian workers of the International Committee of the Red Cross on 26 April 2001 in Ituri Province, for which those responsible must be brought to justice;

(j) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, demanding that such exploitation should cease and emphasizing that the natural resources of the country should not be used to finance the conflict there;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To permit the restoration without delay of the sovereignty and territorial integrity of the Democratic Republic of the Congo, in accordance with the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council;

(b) To implement fully the Lusaka Ceasefire Agreement;

(c) To cease all military and logistic support as well as all strategic collaboration with the armed groups, particularly those operating in the eastern part of the Democratic Republic of the Congo;

(d) To do everything possible to create the prerequisites for further meetings with a view to advancing the inter-Congolese dialogue, with emphasis on ensuring the full participation of women in this process;

(e) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[7] and the Additional Protocols thereto of 1977,[14] the Hague Convention respecting the Laws and Customs of War on Land of 18 October

[14] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

1907,[15] the Convention on the Prevention and Punishment of the Crime of Genocide[16] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons, regardless of their origin;

(f) To ensure the safety and freedom of movement of United Nations and associated personnel and to ensure full, safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To cease all military activity in the Democratic Republic of the Congo which breaches the ceasefire provided for in the Ceasefire Agreement and the Kampala disengagement plan, including the Harare sub-plans, and the relevant resolutions of the Security Council, and urges all foreign forces to withdraw without delay from the territory of the Democratic Republic of the Congo;

(h) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of the international human rights standards, and to extend unreserved cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, to the United Nations Children's Fund, to the Special Representative of the Secretary-General for Children and Armed Conflict and to the humanitarian organizations in order to ensure the rapid demobilization of child soldiers, their return home and their rehabilitation;

(i) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and with dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(j) To authorize access, in complete freedom and security, to the zones which they control in order to permit investigations into violations of human rights and of international human rights law;

(k) To cooperate fully with the National Commission responsible for investigating allegations concerning the massacre of a large number of refugees and displaced persons in the Democratic Republic of the Congo, as well as with the Secretary-General and the United Nations High Commissioner for Human Rights, in considering the allegations in question, with a view to the submission to the Secretary-General, through the National Commission, of a further progress report on the investigations concerning this matter;

4. *Calls upon* the Government of the Democratic Republic of the Congo to take specific measures in order:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms, to fulfil its responsibility to protect the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and at its borders;

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[15] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[16] Resolution 260 A (III).

(b) To fulfil its commitment to reform and restore the judicial system and, in particular, its declared intention progressively to abolish the death penalty, as well as to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights,[2] while encouraging the continuation of the moratorium on executions in force;

(c) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(d) To create, in accordance with its undertakings as stipulated in the Lusaka Ceasefire Agreement, and particularly the articles concerning the inter-Congolese dialogue, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully responds to the aspirations of all people in the country, and to complete the administrative procedures required to permit activities by political parties and prepare for the holding of democratic, free and transparent elections;

(e) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(f) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, particularly by strengthening cooperation with civil society, including all human rights organizations;

(g) To continue to facilitate and strengthen further its cooperation with the human rights field office in the Democratic Republic of the Congo;

(h) To cooperate fully with the International Criminal Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other violations of article 3 of both the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto[17] are brought to justice in accordance with international principles of due process;

(i) To continue to facilitate the creation of the necessary prerequisites for the deployment, in conditions of security, of the United Nations Organization Mission in the Democratic Republic of the Congo and to guarantee the safety and freedom of movement of its personnel and associated personnel;

5. *Decides*:

(a) To continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-seventh session, incorporating a gender perspective;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to undertake, if appropriate in cooperation with the National Commission responsible for investigating violations of human rights and breaches of international humanitarian law in the Democratic Republic of the Congo (ex-Zaire) between 1996 and 1997, a joint mission to investigate all the massacres

[17] United Nations, *Treaty Series*, vol. 1125, No. 17513.

perpetrated in the territory of the Democratic Republic of the Congo, particularly the massacres committed in the province of South Kivu and other atrocities referred to by the Special Rapporteur in his latest and previous reports on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report on this matter to the General Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-eighth session;

(c) To request the Secretary-General to give the Special Rapporteur and the joint mission all necessary assistance to enable them fully to discharge their mandate;

(d) To request the High Commissioner to provide the technical skills needed by the joint mission in order to discharge its mandate;

(e) To request the international community to extend support to the human rights field office in the Democratic Republic of the Congo, particularly in order:

(i) To expand its participation in technical cooperation programmes, advisory services and activities to increase awareness of human rights, particularly by supporting the efforts made by the Government of the Democratic Republic of the Congo to strengthen the judicial system;

(ii) To increase its support to non-governmental organizations defending human rights in the Democratic Republic of the Congo, to continue and develop cooperation with them and to facilitate the activities of the joint mission, particularly through financial support.

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Andorra, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Kuwait, Lithuania, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, San Marino, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949, for the protection of victims at war,[3]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission resolution 2001/14 of 18 April 2001,[4]

Also recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolution 687 (1991) of 3 April

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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1991, Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000, 1330 (2000) of 5 December 2000, 1352 (2001) of 1 June 2001 and 1360 (2001) of 3 July 2001, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia, raised the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievements in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee,[5] the Committee on the Elimination of Racial Discrimination,[6] the Committee on Economic, Social and Cultural Rights,[7] the Committee on the Rights of the Child[8] and the Committee on the Elimination of Discrimination against Women[9] on the recent reports submitted to them by Iraq, in which these treaty monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, in particular children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[10] and the observations, conclusions and recommendations contained therein;

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[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[6] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

[7] *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[8] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[9] Ibid., *Supplement No. 38* (A/55/38), part II, chap. IV, sect. B, paras. 166-210.

[10] A/56/340.

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture, and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To put an end to all summary and arbitrary executions and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(c) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(d) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur of the Commission on Human Rights to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(e) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any

purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(f) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(g) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(h) To ensure free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(i) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices aimed at the Iraqi Kurds, Assyrians and Turkmen, including the practice of forced deportation and relocation, and to ensure the personal integrity and freedoms of all citizens, including the Shi'a population;

(j) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to cooperate with the high-level coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(k) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(l) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1302 (2000), 1330 (2000), 1352 (2001) and 1360 (2001), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Security Council resolution 1284 (1999), to continue its efforts to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-humanitarian-goods programme, to address effectively the needs of persons requiring special attention, such as children, pregnant women, the disabled, the elderly and the mentally ill, among others, further to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian

assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(m) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate, and decides to continue the examination of the situation of human rights in Iraq at its fifty-seventh session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

United Nations A/C.3/56/L.58

General Assembly

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Fifty-sixth session
Third Committee
Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Poland, Portugal, Romania, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

The situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949 on the protection of victims of war,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2001/18 of 20 April 2001,[6]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[5] Ibid., vol. 75, Nos. 970-973.
[6] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Army/Movement on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Expressing its deep concern at the lack of progress in the peace process, the repeated offensives of the Sudanese army and the Sudanese People's Liberation Army/Movement, the general upsurge in fighting and the continued and recently even increased aerial bombings by the Government of the Sudan,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief in order to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will contribute greatly to the creation of a better environment for the respect of human rights in the Sudan,

Taking note of the initiative by Egypt and the Libyan Arab Jamahiriya aiming at a negotiated and lasting peace in the country, and encouraging close coordination with the Intergovernmental Authority on Development,

1. *Welcomes*:

(a) The appointment of a new Special Rapporteur of the Commission on Human Rights and the interim report he has submitted on the situation of human rights in the Sudan;[7]

(b) The good cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visits to the Sudan in March and October 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(c) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(d) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(e) The repeated statements by the Government of the Sudan in favour of a comprehensive, lasting and effectively monitored ceasefire in southern Sudan;

(f) The proposal to create a broad-based national council to evaluate foreign peace initiatives to end the conflict and make relevant recommendations;

(g) Recent additional efforts by the Government of the Sudan to improve freedom of association and assembly, in particular the adoption of the Associations and Political Parties Act of 2000 and the announcement of the creation of a high commission to review the law on public order;

[7] A/56/336.

(h) The recent visit, upon the invitation of the Government of the Sudan, of the Representative of the Secretary-General on internally displaced persons, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to effectively follow up the visit of the Representative, including by holding a conference on the subject of internal displacement in the near future;

(i) The people-to-people peace process at the grass-roots level, in particular the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001, leading to the Kisumu Declaration for Nuer Unity and Peace, which, like other conferences held at the local level, should contribute to a comprehensive peace settlement in the context of the existing peace initiatives;

(j) Recent measures to drop lawsuits against some political detainees and the liberation of some political detainees, while expressing its deep concern at the fact that at least some of the detainees were re-arrested shortly thereafter under the National Security Forces Act, thereby perpetuating their detention;

(k) The reconvening of the National Assembly in April 2001;

(l) The improved role of the National Press Council in monitoring complaints about the press;

(m) Technical cooperation agreement signed by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the posting of an expert from the Office to the Sudan with the task of advising the Government on the development of national capacity to promote and protect human rights;

(n) The demobilization and repatriation of more than 3,500 child soldiers in close cooperation between the Sudanese People's Liberation Army/Movement and the United Nations Children's Fund;

(o) The recent signature by the Sudanese People's Liberation Army/Movement of an agreement to prohibit the use, production, stockpiling and transfer of anti-personnel mines throughout the territories under its control, while at the same time encouraging the Sudanese People's Liberation Army/Movement to swiftly implement the agreement;

(p) The efforts to implement the right to education;

2. *Expresses its deep concern*:

(a) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women and children, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of extrajudicial summary or arbitrary execution resulting from armed conflict between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

(ii) The retention of the state of emergency until the end of 2001;

(iii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians and still-unresolved cases of enforced or involuntary disappearances;

(iv) The plight of internally displaced persons in the Sudan, whose numbers are among the highest in the world, in particular for women and children, and the harassment of such persons;

(v) The forced displacement of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

(vi) The continued abduction of women and children by Murahaleen groups and other government militias and their subjection to forced labour or similar conditions;

(vii) The lack of efforts to restrain the establishment by certain groups directly sponsored by the Government, including the Murahaleen, of militias that commit serious human rights abuses such as killings, torture, rape, abduction and the destruction of shelter and livelihood;

(viii) The negative role of undisciplined southern militias, armed by the Sudanese army and the Sudanese People's Liberation Army/Movement, which are responsible for killings, torture, rape, the burning of villages, the destruction of crops and the theft of cattle;

(ix) The continuation of indiscriminate aerial bombardment of civil targets by the Government of the Sudan, in particular the bombing of schools, hospitals, churches, food distribution areas and market places, which seriously and repeatedly affects the civilian population and civilian installations;

(x) The use by both the Sudanese army and the Sudanese People's Liberation Army/Movement of civilian premises for military purposes;

(xi) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(xii) The conditions imposed in contravention of humanitarian principles, by both the Government of the Sudan and the Sudanese People's Liberation Army/Movement on humanitarian organizations working in the Sudan, especially the denial of access to them, which have seriously affected their safety and led to the withdrawal of many such organizations, with grave consequences on the already precarious situation of thousands of people living in areas under its control;

(xiii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of abductions and harassment by both parties to the conflict, indiscriminate aerial bombings and the reopening of hostilities;

(xiv) The attacks on and use of force against United Nations as well as humanitarian personnel by the Sudanese People's Liberation Army/Movement;

(xv) The measures taken by the leadership of the Sudanese People's Liberation Army/Movement to prevent tribal elders, women and youths from participating in civil society gatherings such as the Nuer conference;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedom of religion, freedom of expression, in particular significant censorship of the press, freedom of association and the right to peaceful assembly;

(ii) The restriction of political freedom, in spite of the replacement, in March 2000, of the Political Associations Act of 1998 by the Associations and Political Parties Act and the increased activity by some opposition parties;

(iii) Arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;

(iv) The new amendment to the National Security Forces Act, approved by Parliament and endorsed by the President, which allows the security forces to arrest and detain individuals for a period of up to six months and three days without proper judicial review and to renew the detention as a preventive measure, practically without limits;

(v) Precarious conditions of detention, the use of torture and violations of human rights by security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(vi) The extent of the use of the most cruel forms of corporal punishment in contravention of human rights norms and standards;

(vii) The use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and United Nations safeguards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a necessary first step to a negotiated settlement to the conflict;

(c) To take immediate steps to implement the Declaration of Principles for resolving the conflict in the Sudan, in particular to take all necessary steps to negotiate a ceasefire agreement as agreed upon in point 6 of the Declaration;

(d) To resume the peace talks immediately and to continue to cooperate fully with the peace efforts of the Intergovernmental Authority on Development;

(e) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which runs counter to principles of international humanitarian law;

(f) To stop the use of tribal militias that commit serious human rights abuses;

(g) In particular the Government of the Sudan, to cease immediately and unconditionally all indiscriminate aerial bombardment of the civilian population and civilian installations, including schools, hospitals, churches, food distribution areas and market places, which runs counter to fundamental principles of human rights and humanitarian law;

(h) In particular the Sudanese People's Liberation Army/Movement, to stop using civilian premises for military purposes, misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(i) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Nuba Mountains, the Western Upper Nile, Blue Nile State, Bahr-el-Ghazal and other areas in need throughout the country, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, to take measures against those who are responsible for the abduction of United Nations and humanitarian staff, urges in particular the Sudanese People's Liberation Army/Movement to lift as soon as possible the conditions it has imposed on the work of international agencies and humanitarian organizations, and urges in particular the Government of the Sudan to stop using the denial of humanitarian assistance flights for political purposes;

(j) Not to use or recruit children under the age of eighteen as soldiers, encourages continuation of the demobilization of child soldiers currently being undertaken by the United Nations Children's Fund, with the cooperation of the Sudanese People's Liberation Army/Movement, and urges both parties to the conflict not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(k) To fulfil their commitments concerning the protection of children affected by the conflict, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children as well as the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(l) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights

and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(c) To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(d) To ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[10]

(e) To undertake efforts towards creating an environment that is more conducive to democratization and to improvements in the field of human rights;

(f) To continue to strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(g) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(h) To ensure full respect for freedom of religion and, in this respect, to consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, to remove obstacles to obtaining permission to construct religious buildings, to respect the sanctity of religious buildings and to resolve church property issues;

(i) To fully implement existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(j) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(k) To implement the Standard Minimum Rules for the Treatment of Prisoners[11] and to continue to give special consideration to imprisoned women and juveniles;

(l) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to take into account extenuating circumstances to the maximum extent possible, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for such violations;

(m) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations

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[8] Resolution 39/46, annex.

[9] Resolution 34/180, annex.

[10] See CD/1478.

[11] See *Human Rights: A Compilation of International Instruments*, vol. I (First Part), (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(n) To take concrete action to prevent and stop the abduction of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to support more strongly and more effectively the Committee for the Eradication of Abduction of Women and Children and to facilitate the safe return of affected children to their families as a matter of priority, in particular through the Committee, with which all concerned have the responsibility and the duty to cooperate;

(o) To make a concerted effort to restrain the activities of the Murahaleen and to end the grave human rights abuses against civilians associated with their activities, to refrain from integrating them in the Sudanese army's military action and to stop financing and equipping them;

(p) To ensure full respect for the freedom of expression, opinion, thought, conscience and religion, as well as the freedom of association and assembly, throughout the territory of the Sudan;

(q) To continue to implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and that wholly reflects the aspirations of the people of the country and ensures their full participation;

(r) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(s) To make further efforts to address effectively the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(t) To consider the establishment of an independent national institution on human rights;

5. *Encourages*:

(a) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights, and to consider how to expand the Office to include a monitoring role;

(b) The Sudanese People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered, and to consider it an important contribution to the peace process, in particular as a preliminary stage in the implementation of the Declaration of Principles in the framework of the Intergovernmental Authority on Development peace process;

6. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law, and to consider how to expand the Office of the High Commissioner to include a monitoring role;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-seventh session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

United Nations A/C.3/56/L.58*

General Assembly

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Fifty-sixth session
Third Committee
Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Poland, Portugal, Romania, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

The situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949 on the protection of victims of war,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2001/18 of 20 April 2001,[6]

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* Reissued for technical reasons.
[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[5] Ibid., vol. 75, Nos. 970-973.
[6] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Army/Movement on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Also expressing its deep concern at the lack of progress in the peace process, the repeated offensives of the Sudanese army and the Sudanese People's Liberation Army/Movement, the general upsurge in fighting and the Government of the Sudan's continued and recently even increased aerial bombings,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief in order to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will contribute greatly to the creation of a better environment for the respect of human rights in the Sudan,

Taking note of the initiative by Egypt and the Libyan Arab Jamahiriya aiming at a negotiated and lasting peace in the country, and encouraging close coordination with the Intergovernmental Authority on Development,

1. *Welcomes*:

(a) The appointment of a new Special Rapporteur of the Commission on Human Rights and the interim report he has presented on the situation of human rights in the Sudan;[7]

(b) The good cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visits to the Sudan in March and October 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(c) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(d) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(e) The repeated statements by the Government of the Sudan in favour of a comprehensive, lasting and effectively monitored ceasefire in southern Sudan;

(f) The proposal to create a broad-based national council to evaluate foreign peace initiatives to end the conflict and make relevant recommendations;

(g) Recent additional efforts by the Government of the Sudan to improve freedom of association and assembly, in particular the adoption of the Associations and Political Parties Act of 2000 and the announcement relating to the creation of a high commission to review the law on public order;

[7] A/56/336.

(h) The recent visit, upon the invitation of the Government of the Sudan, of the Representative of the Secretary-General on internally displaced persons, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to effectively follow up the visit of the Representative, including by holding a conference on the subject of internal displacement in the near future;

(i) The people-to-people peace process at the grass-roots level, in particular the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001, leading to the Kisumu Declaration for Nuer Unity and Peace, which, like other conferences held at the local level, should contribute to a comprehensive peace settlement in the context of the existing peace initiatives;

(j) Recent measures to drop lawsuits against some political detainees as well as the liberation of some political detainees, while expressing its deep concern at the fact that at least some of the detainees were re-arrested shortly thereafter on the basis of the National Security Forces Act, thereby perpetuating their detention;

(k) The reconvening of the National Assembly in April 2001;

(l) The improved role of the National Press Council in monitoring complaints about the press;

(m) Technical cooperation agreement signed by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the posting of an expert from the Office to the Sudan with the task of advising the Government on the development of national capacity to promote and protect human rights;

(n) The demobilization and repatriation of more than 3,500 child soldiers in close cooperation between the Sudanese People's Liberation Army/Movement and the United Nations Children's Fund;

(o) The recent signature by the Sudanese People's Liberation Army/Movement of an agreement to prohibit the use, production, stockpiling and transfer of anti-personnel mines throughout the territories under its control, and at the same time encouraging the Sudanese People's Liberation Army/Movement to swiftly implement the agreement;

(p) The efforts to implement the right to education;

2. *Expresses its deep concern*:

(a) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women and children, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of extrajudicial summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

(ii) The retention of the state of emergency until the end of 2001;

(iii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians and of still-unresolved cases of enforced or involuntary disappearances;

(iv) The plight of internally displaced persons in the Sudan, whose numbers reach among the highest in the world, in particular regarding women and children, and the harassment of these groups;

(v) The forced displacement of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

(vi) The continued abduction of women and children by Murahaleen groups and other government militias and their subjection to forced labour or similar conditions;

(vii) The lack of efforts to restrain the establishment by certain groups directly sponsored by the Government, including the Murahaleen, of militias that commit serious human rights abuses such as killings, torture, rape, abduction and the destruction of shelter and livelihood;

(viii) The negative role of undisciplined southern militias, armed by the Sudanese army and the Sudanese People's Liberation Army/Movement, which are responsible for killings, torture, rape, the burning of villages, the destruction of crops and the looting of cattle;

(ix) The continuation of indiscriminate aerial bombardment of civil targets by the Government of the Sudan, in particular the bombing of schools, hospitals, churches, food distribution areas and market places, which seriously and repeatedly affects the civilian population and civilian installations;

(x) The use by both the Sudanese army and the Sudanese People's Liberation Army/Movement of civilian premises for military purposes;

(xi) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(xii) The conditions, in contravention of humanitarian principles, imposed by both the Government of the Sudan and the Sudanese People's Liberation Army/Movement on humanitarian organizations working in the Sudan, especially the denial of access to them, which have seriously affected their safety and led to the withdrawal of many such organizations, with grave consequences on the already endangered situation of thousands of people living in areas under its control;

(xiii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of abductions and harassment by both parties to the conflict, indiscriminate aerial bombings and the reopening of hostilities;

(xiv) The attacks on and use of force against United Nations as well as humanitarian personnel by the Sudanese People's Liberation Army/Movement;

(xv) The measures taken by the leadership of the Sudanese People's Liberation Army/Movement to prevent tribal elders, women and youths from

participating in civil society gatherings such as the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, in particular significant censorship of the press, freedom of association and peaceful assembly;

(ii) The restriction of political freedom, in spite of the replacement, in March 2000, of the Political Associations Act of 1998 by the Associations and Political Parties Act and the increased activity by some opposition parties;

(iii) The arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;

(iv) The new amendment to the National Security Forces Act, approved by Parliament and endorsed by the President, which allows the security forces to arrest and detain individuals for a period of up to six months and three days without proper judicial review and to renew the detention as a preventive measure, practically without limits;

(v) Detention in precarious conditions, the use of torture and violations of human rights by security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(vi) The extent of the use of the most cruel forms of corporal punishment in contravention of human rights norms and standards;

(vii) The use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and United Nations safeguards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a necessary first step to a negotiated settlement to the conflict;

(c) To take immediate steps in order to implement the Declaration of Principles, in particular to take all necessary steps towards the negotiation of a ceasefire agreement as agreed upon in point 6 of the Declaration of Principles;

(d) To resume the peace talks immediately and to continue to cooperate fully with the peace efforts of the Intergovernmental Authority on Development;

(e) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which runs counter to principles of international humanitarian law;

(f) To stop the use of tribal militias that commit serious human rights abuses;

(g) In particular the Government of the Sudan, to cease immediately and unconditionally all indiscriminate aerial bombardment of the civilian population and civilian installations, including schools, hospitals, churches, food distribution areas and market places, which runs counter to fundamental principles of human rights and humanitarian law;

(h) In particular the Sudanese People's Liberation Army/Movement, to stop using civilian premises for military purposes, misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(i) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Nuba Mountains, the Western Upper Nile, Blue Nile State, Bahr-el-Ghazal and other areas in need throughout the country, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, to take measures against those who are responsible for abductions of United Nations and humanitarian staff, urges in particular the Sudanese People's Liberation Army/Movement to lift as soon as possible the conditions it has imposed on the work of international agencies and humanitarian organizations, and urges in particular the Government of the Sudan to end the use of flight denials of humanitarian assistance for political purposes;

(j) Not to use or recruit children under the age of eighteen as soldiers, encourages the continuation of the process of demobilization of child soldiers currently being undertaken by the United Nations Children's Fund, with the cooperation of the Sudanese People's Liberation Army/Movement, and urges both parties to the conflict not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(k) To fulfil their commitments concerning the protection of children affected by the conflict, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children as well as the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors and reunify them with their families;

(l) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ratify the 1997 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(c) To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(d) To ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[10]

(e) To undertake efforts towards strengthening an environment that is more conducive to democratization and to improvements in the field of human rights;

(f) To continue to strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Republic of the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(g) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(h) To ensure full respect for freedom of religion and, in this respect, to consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, to remove obstacles to obtaining permission to construct religious buildings, to respect the sanctity of religious buildings and to resolve church property issues;

(i) To fully implement existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(j) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(k) To implement the Standard Minimum Rules for the Treatment of Prisoners[11] and to continue to give special consideration to imprisoned women and juveniles;

(l) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to take into account extenuating circumstances to the maximum extent possible, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights

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[8] Resolution 39/46, annex.

[9] Resolution 34/180, annex.

[10] See CD/1478.

[11] See *Human Rights: A Compilation of International Instruments*, vol. I (First Part), (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

violations, including acts of torture, brought to its attention and to bring to justice those responsible for such violations;

(m) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(n) To take concrete measures to prevent and stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to support more strongly and more effectively the Committee for the Eradication of Abduction of Women and Children and to facilitate the safe return of affected children to their families as a matter of priority, in particular through the Committee for the Eradication of Abduction of Women and Children, with which all concerned have the responsibility and the duty to cooperate;

(o) To make concerted efforts to restrain the activities of the Murahaleen and to end the grave human rights abuses against civilians associated with their activities, to refrain from integrating them in the Sudanese army's military action and to stop financing and equipping them;

(p) To ensure full respect for the freedom of expression, opinion, thought, conscience and religion, as well as the freedom of association and assembly, throughout the territory of the Sudan;

(q) To continue to implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and that wholly reflects the aspirations of the people of the country and ensures their full participation;

(r) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(s) To make further efforts to address effectively the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(t) To consider the establishment of an independent national institution on human rights;

5. *Encourages*:

(a) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights, and to consider how to expand the Office to include a monitoring role;

(b) The Sudanese People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered, and to consider it an important contribution to the peace process, in particular as a preliminary stage in the implementation of the Declaration of Principles in the framework of the Intergovernmental Authority on Development peace process;

6. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, and to consider how to expand the Office of the High Commissioner to include a monitoring role aimed at improving respect for human rights and humanitarian law;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-seventh session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

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Third Committee
Agenda item 119 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

The situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child,[3] the African Charter on Human and Peoples' Rights[4] and the Geneva Conventions of 12 August 1949 on the protection of victims of war,[5]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2001/18 of 20 April 2001,[6]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[5] Ibid., vol. 75, Nos. 970-973.
[6] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Army/Movement on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law, while welcoming the repeated declarations by the Government of the Sudan of a comprehensive ceasefire,

Also expressing its deep concern at the lack of progress in the peace process, the repeated offensives of the Sudanese army and the Sudanese People's Liberation Army/Movement, the general upsurge in fighting and the Government of the Sudan's continued aerial bombings,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief in order to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will contribute greatly to the creation of a better environment for the respect of human rights in the Sudan,

Taking note of the initiative by Egypt and the Libyan Arab Jamahiriya aiming at a negotiated and lasting peace in the country, and encouraging close coordination with the Intergovernmental Authority on Development,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudan People's Liberation Army/Movement,

1. *Welcomes*:

(a) The appointment of a new Special Rapporteur of the Commission on Human Rights and the interim report he has presented on the situation of human rights in the Sudan;[7]

(b) The good cooperation extended by the Government of the Sudan to the former Special Rapporteur and to the new Special Rapporteur during his visits to the Sudan in March and October 2001, as well as the cooperation extended to other United Nations mandate holders in the field of human rights, as well as the stated willingness of the Government of the Sudan to continue to cooperate with the Special Rapporteur;

(c) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(d) The activities of the Committee for the Eradication of Abduction of Women and Children as constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of international community and non-governmental organizations;

(e) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

[7] A/56/336.

(f) The repeated statements by the Government of the Sudan in favour of a comprehensive, lasting and effectively monitored ceasefire in southern Sudan;

(g) The proposal to create a broad-based national council to evaluate foreign peace initiatives to end the conflict and make relevant recommendations;

(h) Recent additional efforts by the Government of the Sudan to improve freedom of association and assembly, in particular the adoption of the Associations and Political Parties Act of 2000 and the announcement relating to the creation of a high commission to review the law on public order;

(i) The recent visit, upon the invitation of the Government of the Sudan, of the Representative of the Secretary-General on internally displaced persons, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to effectively follow up the visit of the Representative, including by holding a conference on the subject of internal displacement in the near future;

(j) The people-to-people peace process at the grass-roots level, including the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001, leading to the Kisumu Declaration for Nuer Unity and Peace, which, like other conferences held at the local level, should contribute to a comprehensive peace settlement in the context of the existing peace initiatives;

(k) Recent measures to drop lawsuits against some political detainees as well as the liberation of some political detainees, while expressing its deep concern at the fact that at least some of the detainees were re-arrested shortly thereafter on the basis of the National Security Forces Act, thereby perpetuating their detention;

(l) The steps taken by the Government of the Sudan towards the ratification of International Labour Organization Convention 182;

(m) The reconvening of the National Assembly in April 2001;

(n) The improved role of the National Press Council in monitoring complaints about the press,

(o) Technical cooperation agreement signed by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the posting of an expert from the Office to the Sudan with the task of advising the Government on the development of national capacity to promote and protect human rights;

(p) The demobilization and repatriation of more than 3,500 child soldiers in close cooperation between the Sudanese People's Liberation Army/Movement and the United Nations Children's Fund;

(q) The recent signature by the Sudanese People's Liberation Army/Movement of an agreement to prohibit the use, production, stockpiling and transfer of anti-personnel mines throughout the territories under its control, and at the same time encouraging the Sudanese People's Liberation Army/Movement to swiftly implement the agreement;

(r) The efforts to implement the right to education;

2. *Expresses its deep concern*:

(a) At the impact of the ongoing armed conflict on the situation of human rights and its adverse effects on the civilian population, in particular women and children, and at the continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence of cases of extrajudicial summary or arbitrary execution resulting from armed conflicts between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudanese People's Liberation Army/Movement;

(ii) The retention of the state of emergency until the end of 2001;

(iii) The occurrence, within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians and of still-unresolved cases of enforced or involuntary disappearances;

(iv) The plight of internally displaced persons in the Sudan, whose numbers reach among the highest in the world, in particular regarding women and children, and the harassment of these groups;

(v) The forced displacement of populations, in particular in areas surrounding the oilfields, and notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas;

(vi) The continued abduction of women and children by Murahaleen groups and other government militias and their subjection to forced labour or similar conditions;

(vii) The lack of efforts to restrain the establishment by certain groups directly sponsored by the Government, including the Murahaleen, of militias that commit serious human rights abuses such as killings, torture, rape, abduction and the destruction of shelter and livelihood;

(viii) The negative role of undisciplined southern militias, armed by the Sudanese army and the Sudanese People's Liberation Army/Movement, which are responsible for killings, torture, rape, the burning of villages, the destruction of crops and the looting of cattle;

(ix) The continuation of indiscriminate aerial bombardment of civil targets by the Government of the Sudan, in particular the bombing of schools, hospitals, churches, food distribution areas and market places, which seriously and repeatedly affects the civilian population and civilian installations;

(x) The use by both the Sudanese army and the Sudanese People's Liberation Army/Movement of civilian premises for military purposes;

(xi) The use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(xii) The conditions, in contravention of humanitarian principles, imposed by both the Government of the Sudan and the Sudanese People's Liberation Army/Movement on humanitarian organizations working in the Sudan, especially the denial of access to them, which have seriously affected their

safety and led to the withdrawal of many such organizations, with grave consequences on the already endangered situation of thousands of people living in areas under its control;

(xiii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of abductions and harassment by both parties to the conflict, indiscriminate aerial bombings and the reopening of hostilities;

(xiv) The attacks on and use of force against United Nations as well as humanitarian personnel by the Sudanese People's Liberation Army/Movement;

(xv) The measures taken by the leadership of the Sudanese People's Liberation Army/Movement to prevent tribal elders, women and youths from participating in civil society gatherings such as the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedom of religion, as well as restrictions on freedom of expression, in particular significant censorship of the press;

(ii) The restriction of political freedom, in spite of the replacement, in March 2000, of the Political Associations Act of 1998 by the Associations and Political Parties Act and the increased activity by some opposition parties;

(iii) The arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;

(iv) The new amendment to the National Security Forces Act, approved by Parliament and endorsed by the President, which allows the security forces to arrest and detain individuals for a period of up to six months and three days without proper judicial review and to renew the detention as a preventive measure, practically without limits;

(v) Detention in precarious conditions, the use of torture and violations of human rights by security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(vi) The use of the most cruel forms of corporal punishment in contravention of human rights norms and standards;

(vii) The use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[2] and United Nations safeguards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(b) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a necessary first step to a negotiated settlement to the conflict, and to commit themselves to a permanent ceasefire;

(c) To take immediate steps in order to implement the Declaration of Principles, in particular to take all necessary steps towards the negotiation of a ceasefire agreement as agreed upon in point 6 of the Declaration of Principles;

(d) To resume the peace talks immediately and to continue to cooperate fully with the peace efforts of the Intergovernmental Authority on Development;

(e) To stop immediately the use of weapons, including landmines and indiscriminate artillery shelling, against the civilian population, which runs counter to principles of international humanitarian law;

(f) To stop the use of tribal militias that commit serious human rights abuses;

(g) In particular the Government of the Sudan, to cease immediately and unconditionally all indiscriminate aerial bombardment of the civilian population and civilian installations, including schools, hospitals, churches, food distribution areas and market places, which runs counter to fundamental principles of human rights and humanitarian law;

(h) In particular the Sudanese People's Liberation Army/Movement, to stop using civilian premises for military purposes, misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(i) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in the Nuba Mountains, the Western Upper Nile, Blue Nile State, Bahr-el-Ghazal and other areas in need throughout the country, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, to take measures against those who are responsible for abductions of United Nations and humanitarian staff, urges in particular the Sudanese People's Liberation Army/Movement to lift as soon as possible the conditions it has imposed on the work of international agencies and humanitarian organizations, and urges in particular the Government of the Sudan to end the use of flight denials of humanitarian assistance for political purposes;

(j) Not to use or recruit children under the age of eighteen as soldiers, encourages the continuation of the process of demobilization of child soldiers currently being undertaken by the United Nations Children's Fund, with the cooperation of the Sudanese People's Liberation Army/Movement, and urges both parties to the conflict not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(k) To fulfil their commitments concerning the protection of children affected by the conflict, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children as well as the abduction and exploitation of children and the recruitment of children as soldiers, to advance the demobilization and reintegration of child soldiers and to

ensure access to displaced and unaccompanied minors and reunify them with their families;

(l) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999, while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in custody of the Sudan People's Liberation Army/Movement, and urges the Sudan People's Liberation Army/Movement to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(c) To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(d) To ratify the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;[10]

(e) To undertake efforts towards strengthening an environment that is more conducive to democratization and to improvements in the field of human rights;

(f) To continue to strengthen its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Republic of the Sudan is a party, and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(g) To liberalize the legal provisions on public order and to continue assimilation into a regular criminal justice system;

(h) To ensure full respect for freedom of religion and, in this respect, to consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, to remove obstacles to obtaining permission to construct religious buildings, to respect the sanctity of religious buildings and to resolve church property issues;

(i) To fully implement existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(j) To raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

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[8] Resolution 39/46, annex.

[9] Resolution 34/180, annex.

[10] See CD/1478.

(k) To implement the Standard Minimum Rules for the Treatment of Prisoners[11] and to continue to give special consideration to imprisoned women and juveniles;

(l) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to take into account extenuating circumstances to the maximum extent possible, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to bring to justice those responsible for such violations;

(m) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(n) To take concrete measures to prevent and stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities, to support more strongly and more effectively the Committee for the Eradication of Abduction of Women and Children and to facilitate the safe return of affected children to their families as a matter of priority, in particular through the Committee for the Eradication of Abduction of Women and Children, with which all concerned have the responsibility and the duty to cooperate;

(o) To make concerted efforts to restrain the activities of the Murahaleen and to end the grave human rights abuses against civilians associated with their activities, to refrain from integrating them in the Sudanese army's military action and to stop financing and equipping them;

(p) To ensure full respect for the freedom of expression, opinion, thought, conscience and religion, as well as the freedom of association and assembly, throughout the territory of the Sudan;

(q) To continue to implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and that wholly reflects the aspirations of the people of the country and ensures their full participation;

(r) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(s) To make further efforts to address effectively the problem of internally displaced persons, including ensuring their access to effective protection and assistance;

(t) To consider the establishment of an independent national institution on human rights;

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[11] See *Human Rights: A Compilation of International Instruments*, vol. I (First Part), (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 1)).

5. *Encourages*:

(a) The Government of the Sudan to continue its cooperation with the United Nations in the field of human rights through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights, and to consider how to strengthen the role of the Office of the United Nations High Commissioner for Human Rights;

(b) The Sudanese People's Liberation Army/Movement to allow the people-to-people peace process to develop freely and unhindered, and to consider it an important contribution to the peace process;

6. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, and to consider how to expand the Office of the High Commissioner to include a monitoring role aimed at improving respect for human rights and humanitarian law;

7. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-seventh session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.